

**CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR**

CHURCH OF SCIENTOLOGY INTERNATIONAL,
Petitioner,

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF MARIN,

Respondent,

GERALD ARMSTRONG,

Real Party in Interest.

A107095

Marin County No. 157680, 021632

CHURCH OF SCIENTOLOGY INTERNATIONAL,
Plaintiff and Appellant,

v.

GERALD ARMSTRONG,

Defendant and Respondent.

A107100

Marin County No. CV021632

Dear Counsel:

The judicial panel, which will decide this appeal, consists of (in alphabetical order):

Munter, J. (assigned judge)

Rivera, J. and

Sepulveda, J.

As indicated, **Justice Sepulveda** is a member of the judicial panel that will decide this appeal, but Justice Sepulveda will not be present at the scheduled oral argument hearing. However, the argument will be recorded on audio disc. Pursuant to Article VI, section 3 of the California Constitution, the concurrence of two justices present at the argument is necessary for a judgment.

The parties are directed to notify this court in writing ***TO BE RECEIVED at the Clerk's Office before 5:00 p.m., Thursday, September 8, 2005*** (fax is acceptable in this limited instance; fax number is 415/865-7309, Attn: Ines Calanoc, Deputy Clerk) if they

do not choose to waive any right they may have to argue before the full panel. See *Moles v. Regents of University of California* (1982) 32 C.3d 867.

If an objection is not timely received, the argument will proceed with two justices present and the appeal will be decided after Justice Sepulveda has the opportunity to review the tape recording and deliberate with the other members of the panel.

date: August 31, 2005

Laurence D. Kay
Presiding Justice